

Climate Change

A number of states and regional entities have begun to regulate greenhouse gas (GHG) emissions, and there is increasing discussion of regulation at the federal level. Individuals, entities, cities and states are realizing that caps may be imposed on emissions that may contribute to global warming. GHG cap-and-trade systems are designed to reduce GHG emissions by using a free market for the trading of carbon credits, which are transferable rights to emit GHGs. A consortium of Northeast states recently completed the first cap-and-trade GHG auction in the U.S., and President Obama has discussed implementation of an economy-wide cap-and-trade program to reduce GHG emissions by 80 percent by 2050. Although energy companies are the largest single producers of greenhouse gases, cap-and-trade proposals would also affect companies in the chemical, manufacturing, and investment markets.

Jones Walker's Green Law & Sustainability team assists clients with the numerous challenges and opportunities emerging from regulatory and corporate responses to climate change. Our team assists clients in tracking and responding to the rapidly-developing climate change requirements and voluntary programs. The team brings together attorneys with a wide range of experience, including environmental compliance and permitting, business and real estate transactions, administrative and legislative advocacy, tax and securities law, intellectual property, and litigation. Our climate change practice includes the following areas:

- Advising clients on environmental disclosure and corporate governance methods and requirements
- Advising clients on strategies to minimize the risk of climate change-related litigation
- Counseling clients on green building regulations and incentives
- Counseling clients on voluntary reduction programs
- Defending clients in suits alleging damages caused by the emission of GHGs and other environmental claims
- Developing proactive strategies to anticipate, comply with, and prosper under new climate change regulations and programs
- Developing tax strategies and monitoring changes in tax policies and incentives

- Monitoring, drafting, and promotion of new regulations or revisions, including GHG regulations, grants, loan programs, and tax credits and other incentives for alternative energy and clean fuel facilities and technologies
- Providing patent advice and prosecution of patent applications for alternative energy and other green technologies, as well as counseling on the commercial viability and funding of such technologies
- Representing and advising clients in the due diligence, acquisition, structuring, design, permitting, financing, construction, and operation of energy producing facilities, including petroleum refineries and alternative energy facilities
- Working with clients in accounting for and preserving emission credits